

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Civil Action No.: 03-12560RGS

DAVID DEITZEL

Plaintiff,

vs.

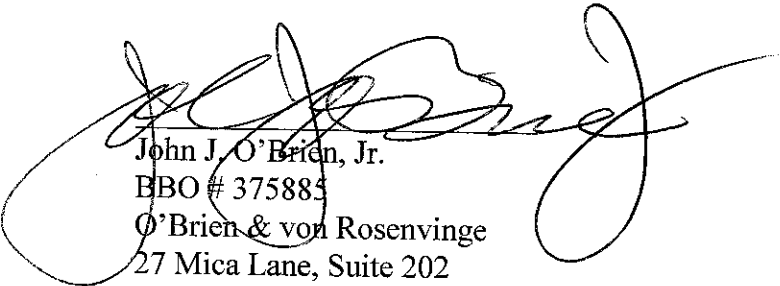
SPRINGFIELD TERMINAL  
RAILWAY COMPANY AND  
GUILFORD RAIL SYSTEMS  
Defendant.

CERTIFICATION IN COMPLIANCE WITH  
LOCAL RULE 16.1(D)(3)

I, John J. O'Brien, Jr., under oath hereby depose and state as follows:

1. I am a partner with the law office of O'Brien & von Rosenvinge, P. C. and represent the Defendants, Springfield Terminal Railway Company and Guilford Rail Systems.
2. In anticipation of s scheduling conference, I have conferred with Ms. Cynthia S. Scarano, Director of Claims for Springfield Terminal Railway Company, with regard to establishing a budget for the cost of conducting the full course of litigation as well as the various alternative courses of resolution such as Alternative Dispute Resolution and Mediation. The Defendant needs to develop further information before it can decide whether this case is appropriate for settlement, ADR or full litigation. I have also conferred with the appropriate individual at Guilford Transportation Industries, improperly identified as Guilford Rail Systems and as a consequence thereof, I have prepared a Special Appearance and have asked plaintiff's counsel to voluntarily dismiss the claims against Guilford. In the event plaintiff declines this request, I intend to file a Motion to dismiss the plaintiff's claims brought against Guilford, pursuant to Fed. R. Civ..P. 12(b)(6), or in the alternative, Fed. R. Civ. P. 56.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY  
THIS 30th DAY OF MARCH, 2004.



John J. O'Brien, Jr.  
BBO # 375885  
O'Brien & von Rosenvinge  
27 Mica Lane, Suite 202  
Wellesley, MA 02481  
Tel.: (781) 239-9988  
Fax: (781) 239-3360

CERTIFICATE OF SERVICE

I, John J. O'Brien, Jr., attorney for the Defendant in the within action, hereby certify that I have this day served a copy of **CERTIFICATION IN COMPLIANCE WITH LOCAL RULE 16.1(D)(3)** by mailing a copy thereof, postage prepaid, to:

Mario Bozza, Esq.  
BBO# 052860  
63 Commercial Street  
Boston, MA 02110

Steven M. Lafferty, Esq.  
Of Counsel  
Barish Law Offices, P. C.  
1601 Cherry Street  
Three Parkway - 13<sup>th</sup> Floor  
Philadelphia, PA 19102

Dated: 3/30/4



John J. O'Brien, Jr.